IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 10316 of 2005

Between:

Environmental Development and Protection Society Registered No.218/95, Hindupur, represented by its President, K.Janaki Rao,

H.No.17-5-186, Hasnabad Street, Anantapur District.

..... PETITIONER

AND

1 The Commissioner Hindupur Municipality, Hindupur, Anantapur District.
2 The Revenue Divisional Officer, Penukonda,

Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly a writ in the nature of writ of Mandamus by declaring the action of the respondents in maintaining disparity among the Agencies in allotment of Schools for supplying cooked Mid-day meals under the programme to the children of Primary and Upper Primary Schools in Hindupur as illegal, arbitrary contrary to the guidelines issued for implementation of the programme and to pass such other or further orders in the interest of justice.

Counsel for the Petitioner:MR.E.SAMBASIVA PRATAP

Counsel for the Respondents: GP FOR MUNCIPAL ADMN. & URBAN DEV.

The Court, at the stage of admission, made the following :

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ORAL ORDER:

The petitioner is a registered society. The Government in G.O.Ms.No.94 dated 25.11.2002 notified a scheme called “Mid-day Meal Programme” for providing Mid-Day Meal (Cooked), for the children of Classes I to VII in all the Government and aided primary and upper primary schools in the State of Andhra Pradesh. In implementation of such scheme, Societies were allotted students for the purpose of undertaking the job of serving meals.

It is the case of the petitioner-Society that, though similarly placed societies were allotted higher number of students for supplying the Cooked Mid-Day meals, petitioner-Society is being shown biased attitude by allotting limited number of schools and children. It is their further case that, they have also made a representation to the respondents in this regard, but the same is not being considered.

Heard the counsel on either side.

The petitioner-Society cannot have definite right for seeking allotment of particular number of students. It is for the respondents, who are implementing authorities of the scheme, to make allotment of number of schools and children having regard to feasibility, convenience and location of schools etc. It is also to be

seen that, there is no order passed by the competent authority rejecting the request of the petitioner-society. The petitioner has filed a copy of the representation dated 21.3.2005, before the 1st respondent-Commissioner, requesting to enhance the number of students for the purpose of implementation of the scheme.

As the said representation is pending and, as much as no orders are passed rejecting the same, I dispose of the writ petition directing the 1st respondent-Commissioner to consider the representation dated 21.3.2005, and pass appropriate orders and communicate to the petitioner, as expeditiously as possible, preferably within a period of six weeks from the date of receipt of a copy of this order. The petitioner shall also submit another copy of this representation dated 21.3.2005, before the 1st respondent, within 10 days from today. No order as to costs.

28.4.2005

Note: CC in two days.

Bo CVM

To,

1 The Commissioner Hindupur Municipality, Hindupur,
Anantapur District.
2 The Revenue Divisional Officer, Penukonda,

Anantapur District.

3. 2 CCs to G.P. for Municipal Administration and Urban Development, High Court buildings, Hyderabad (OUT).

4. 2 CD copies.